

Express Mail Label No.: EE272891355US
Docket No.: 0-03-192

5 **Declaration And Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THE USE OF NITRIC OXIDE AND A DEVICE IN THE THERAPEUTIC
MANAGEMENT OF PATHOGENS IN MAMMALS
(Title)

the specification of which

(check one)

X is attached hereto.

was filed on _____ as United States Application No. or PCT International
Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification,
including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information
known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section
1.56, and understand that this duty is continuous until this application matures into a patent.

I hereby claim foreign priority benefits under Title 25, United States Code, Section 119(a)-(d) or Section
365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT
International application which designated at least one country other than the United States, listed below
and have also identified below, by checking the box, any foreign application for patent or inventor's
certificate or PCT International application having a filing date before that of the application on which
priority is claimed:

Prior Foreign Application(s)

Priority
Not Claimed

5 _____
 (Number) (Country) (Filing Date)

 (Number) (Country) (Filing Date)

10 _____
 (Number) (Country) (Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

15 _____ _____
 60/409,400 September 10, 2002
 (Application Serial No.) (Filing Date)

20 I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or
 Section 365(c) of any PCT International application designating the United States, listed below
 and, insofar as the subject matter of each of the claims of this application is not disclosed in the
 prior United States or PCT International application in the manner provided by the first paragraph
 of 35 U.S.C. Section 112. In acknowledge the duty to disclose to the United States Patent and
25 Trademark Office all information know to me to be material to patentability as defined in Title
 37, C.F.R. Section 1.56 which became available between the filing date of the prior application
 and the national or PCT International filing date of this application:

(Status - patented
pending or abandoned)

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(Status - patented
pending or abandoned)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity or the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

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32

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25